

# DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY

(Under 37 CFR §1.63; includes reference to PCT International Applications)

KRAMER LEVIN NAFTALIS & FRANKEL LLP

File No.: 3345-2240

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am an original, first and sole inventor (if only one name is listed below) or joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: the specification of which is filed herewith.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate of any PCT International application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International applications designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign/PCT Application(s) [list additional applications on separate page]:

Country (or PCT)	Application Number:	Filed (Day/Month/Year)	Priority Claimed Yes      No
---------------------	------------------------	---------------------------	---------------------------------

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. (or U.S.-designating PCT) Application(s) [list additional applications on separate page]:

<u>U.S. Serial No.</u>	<u>Filed (Day/Month/Year)</u>	<u>PCT Application No.</u>	<u>Status (patented, pending, abandoned)</u>
09/060,423	4/14/1998		Pending
09/128,406	8/3/1998		Pending
09/238,682	1/26/1999		Pending
60/195,626	4/6/2000		Pending

I hereby appoint Gregor N. Neff, Esq., Registration N. 20,596, and Kramer Levin Naftalis & Frankel LLP, or their duly appointed associate, my attorneys, with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business on the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications about the application are to be directed to the following correspondence address:

Gregor N. Neff, Esq.  
c/o Kramer Levin Naftalis & Frankel LLP  
919 Third Avenue  
New York, NY 10022

Direct all telephone calls to:  
212 715 9102  
to the attention of:  
Gregor N. Neff, Esq.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

#### INVENTOR(S):

Full name of sole or first inventor: **Brian J. Roberts**  
Residence: **3559 Ames Place - Carlsbad, CA 92008**  
Citizenship: **United States of America**  
P.O. Address: **3559 Ames Place - Carlsbad, CA 92008**

Signature: Brian J. Roberts

Date: 4/4/, 2001